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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,532	11/19/2001	Volker Henz	112740-354	5940
29177	7590	02/15/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			TAYLOR, BARRY W	
			ART UNIT	PAPER NUMBER

2643

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/979,532

Applicant(s)

HENZ ET AL.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al (5,617,471 hereinafter Rogers) found on Applicant's 1449 disclosure in view of Shaffer et al (5,825,858 hereinafter Shaffer).

Regarding claim 4. Rogers teaches a method for converting a three-party telecommunications connection which is switched ... from an operator-involved call to a subscriber only involved call. See figure 1 wherein three party connection made by USER B calling operator (i.e. USER A) to make three-party connection with USER C.

The operator (i.e. USER A) then converts three-party connection into a two-party connection by connecting USER B to USER C (col. 2 lines 10-30) before disconnecting from connection.

Rogers does not explicitly show using tariff model for making the three-party connection into a two-party connection. However, Rogers does use intelligent decision when converting three-party connection into two-party connection (see col. 4 line 47 – col. 9 line 24 wherein database used to look-up information so as to intelligently convert three-party call into a two-party call).

Shaffer provides the hardy needed teaching that tariff data may be used in conjunction with converting three-party call into a two-party call (see abstract, col. 1 lines 42-47). Shaffer discloses using database information containing tariff data (col. 2 lines 51-60, col. 3 lines 2-12) for three party call (col. 3 lines 31-56) to achieve “optimal” connectivity thereby saving money when teleconferencing preformed (col. 4 line 5 – col. 5 line 57). Of course, Shaffer disclose other parameters contained in tariff table (see for example “time” and “resource availability” located in columns 5-9) that also facilitate efficient teleconferencing. Shaffer indeed discloses releasing sections of the three-party call (see columns 7-8 wherein original connection dropped after making teleconference connection). Shaffer even discloses that more than one database may be used to facilitate teleconferencing (col. 9 lines 7-50).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the intelligent decision as taught by Rogers to include tariff data as taught by Shaffer for the benefit of converting three-party connection into

two-party connection by using "optimal" teleconference connection based upon tariff, time and traffic related data.

Regarding claim 5. Rogers teaches connecting the lines to common telecommunication switching office (see long distance carrier switching office appearing in abstract, figures 1-12, col. 2 lines 1-29 used in teleconference connections between users A-C).

Regarding claim 6. Rogers does not explicitly show choosing the least cost route to which the second subscriber line is connected.

Shaffer provides the hardy needed teaching that tariff data may be used in conjunction with converting three-party call into a two-party call (see abstract, col. 1 lines 42-47). Shaffer discloses using database information containing tariff data (col. 2 lines 51-60, col. 3 lines 2-12) for three party call (col. 3 lines 31-56) to achieve "optimal" connectivity thereby saving money when teleconferencing preformed (col. 4 line 5 – col. 5 line 57). Of course, Shaffer disclose other parameters contained in tariff table (see for example "time" and "resource availability" located in columns 5-9) that also facilitate efficient teleconferencing. Shaffer indeed discloses releasing sections of the three-party call (see columns 7-8 wherein original connection dropped after making teleconference connection). Shaffer even discloses that more than one database may be used to facilitate teleconferencing (col. 9 lines 7-50).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the intelligent decision as taught by Rogers to include

tariff data as taught by Shaffer for the benefit of converting three-party connection into two-party connection by using "optimal" teleconference connection based upon tariff, time and traffic related data.

### ***Conclusion***

#### ***Response to Arguments***

2. Applicant's arguments filed 10/01/2004 have been fully considered but they are not persuasive.

a) Regarding Applicant's remark on page 4, paper dated 10/01/2004, second to last paragraph wherein Applicant's contend that Rogers teaches the call between two connected users always remains connected to switch A.

The Examiner notes that switch A is actually an "operator" that actually determines how to bridge the call. Next, the Examiner notes that Shaffer improves on "human involvement" (i.e. operator) that typically use central conference bridge to an entire network (see at least col. 1 lines 42-47). However, Shaffer improves on prior art by using database information containing tariff data (col. 2 lines 51-60 and col. 3 lines 2-12) thereby automating prior art teachings of using "human involvement" by using different connectivity configurations (i.e. "reconfiguration"---see col. 4 line 5 – col. 5 line 57) which of course is based upon a variety of factors which include "cost savings" (col. 3 line 41 and col. 5 line 12). In fact, Shaffer discloses bridging nodes to select one "optimal" connectivity configuration to the exclusion of other inferior connectivity configurations (col. 5 lines 42-57). Therefore, it would have been obvious for any one of

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ordinary skill in the art at the time of invention to utilize the teachings of Shaffer into the teachings of Rogers in order to automate teleconferencing by using database as disclosed by Shaffer thereby saving money by converting three-party connection into two-party connection as disclosed by Shaffer.

b) Next, Applicant's comment on the Shaffer reference, see paper dated 10/01/2004, first two lines on page 5 wherein Shaffer does not teach reconnecting switches A, B and C "without the use of switch A".

The Examiner respectfully disagrees. See Examiner's rejection listed above. Furthermore, Shaffer does exclude other switches that would make the connection "inferior" (see at least col. 5 lines 42-47) where the selection is based upon a number of factors (see at least col. 3 line 41, col. 5 lines 12 and 49).

**3. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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**4. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (703) 305-4811, who is available Monday-Friday, 6:30am to 4pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (703) 305-4708. The facsimile phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BWT

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